

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NAMARIE APONTE,

Plaintiff,

-against-

GAINOR TEMPORARIES, INC. and NORMA  
MENKIN,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 5/17/2023

22-cv-8345 (MKV)

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

The Court has been informed by Defendant that, with the assistance of the Mediator, the parties reached a settlement yesterday afternoon [ECF No. 26]. Defendants also timely responded to the Court's Order To Show Cause dated May 16, 2023 [ECF No. 25], directing the parties to file letters explaining why they should not be sanctioned for failing to comply with a prior Order and the Court's Individual Rules of Practice in Civil Cases. Plaintiff failed to file any timely response to the Order To Show Cause.

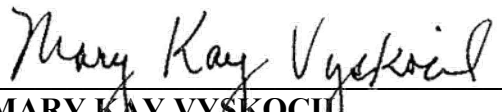
In the light of the parties' settlement yesterday, IT IS HEREBY ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore is made by June 17, 2023. If no such application is made by that date, today's dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004). All other dates and deadlines, including the Post Discovery Conference that was scheduled to take place on May 18, 2023, are adjourned *sine die*.

With respect to the May 16, 2023 Order To Show Cause [ECF No. 25], the Court declines to impose sanctions at this time, notwithstanding Plaintiff's failure timely to respond to the Order To Show Cause. **All counsel and Plaintiff personally are on notice that, if this action is**

restored to the Court's calendar, failures to comply with the Court's orders and Individual Rules may result in sanctions.

**SO ORDERED.**

**Date: May 17, 2023**  
**New York, NY**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**